

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

ENVIRONMENTAL, SAFETY & HEALTH,)	
INC.,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-08-1215-D
)	
INTEGRATED PRO SERVICES, LLC d/b/a)	
PRO TREE SERVICES,)	
)	
Defendant.)	

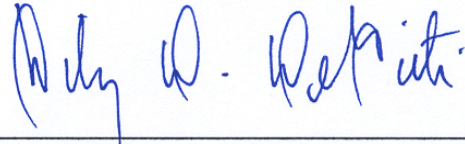
ORDER

Plaintiff's Motion to Compel Arbitration [Doc. No. 7] is incomplete and premature. The Motion references exhibits that are not attached; the certificate of service reflects mailing to Defendant through a registered agent.

No proof of service under Fed. R. Civ. P. 4(l) has been made in this case. "[S]ervice of process . . . provides the mechanism by which a court having venue and jurisdiction over the subject matter of an action asserts jurisdiction over the person of the party served.'" *See Hukill v. Oklahoma Native American Domestic Violence Coalition*, 542 F.3d 794, 797 (10th Cir. 2008) (quoting *Okla. Radio Assocs. v. F.D.I.C.*, 969 F.2d 940, 943 (10th Cir.1992)). Further, no attorney has entered an appearance for Defendant, which is an entity that can appear in court only through counsel. *See Harrison v. Wahatoyas, L.L.C.*, 253 F.3d 552, 556 (10th Cir. 2001). Plaintiff must serve a motion on Defendant pursuant to Fed. R. Civ. P. 5(b)(1) by service on Defendant's attorney, once one files an entry of appearance, unless the Court orders service on the party.

IT IS THEREFORE ORDERED that the Motion is DENIED without prejudice to refiling at an appropriate time.

IT IS SO ORDERED this 21st day of November, 2008.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE